REASONS
Againſt the
BILL,
INTITULED,
An Act for Countie-Regiſters, Wills and Adminiſtrations, and for preventing Inconvenience, Delaie, Charge, and Irregularitie in *Chancerie* and *Common Law*, (as well in *Common Pleas* as Criminal and Capital Cauſes) and for ſettling Countie-Judicatures, Guardians of Orphans, Courts of Appeal, Countie-Treaſurers, and Work-HOUSES.

With Tables of FEES, and ſhort Forms of DECLARATIONS.

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IF it were a Law, then Suits before the Judicatories would bee exceedingly *multiplied*: Proceedings would bee very *dilatorie*, and Judgments and Decrees *Arbitrarie*.

And *Firſt* concerning *Arbitrarie Power*, and how it is ſettled in the Judicatories, through the main parts of the bodie of this Bill: And *then* concerning the *multiplying* Suits: The increaſ of

charge, and *delaie* to the people; and Judgments made to bee *Arbitrarie* without benefit of Rules of Laws, in the method as they are placed in the Bill.

The avoiding of Arbitrarie Power, and the defence of our Lives, Liberties and Proprieties, according to our Laws, were the juſt grounds of the late Wars: on this foundation, a conſcientious perſon may reſt quiet in his ſpirit, from beeing guiltie of the blood of many thouſands which have been ſlain in theſe Wars.

Every one will, or at the leaſt will ſeem, to deteſt Arbitrarie Autoritie in Judicatories, if that they bee barely in Queſtion; that the people may not onely bee called, but bee a Free people. But if the Arbitrarie Autoritie bee introduced, though they, who do act in it, do not intend it, yet the bondage of the Free people of *England* is the ſame; and ſuch Actors are not ſo culpable as thoſe who deſign it; but the Free people are no leſs Slaves.

Now that *Arbitrarie Autoritie* would by this Bill bee introduced, is evident.

This Bill make's the Judicatories to conſiſt of Judges ignorant in the Laws, the Rules by which onely the Judges are to judg. This is the moſt certain and dangerous waie to cauſ the judgments which they ſhall give to bee Arbitrarie; for thereby the benefit which might bee had by the Laws, is not onely rendred ineffectual; but thoſe Rules alſo, which, when underſtood,

ſtood, are rules of Freedom, by not beeing underſtood, are made ſcourges for executing Arbitrarie Autoritie under color of Law. It hath been a Rule, that *Prima conditio Judicis eſt ſcientia*; and it is well obſerved of that learned and famous Judg, Sr *Edward Cook*, ſpeaking of a Judg, ſaid, *Ubi non eſt ſcientia, non eſt conſcientia.*

The right underſtanding of Statute and Common Laws; to know the Laws, and how far altered by any Statutes; to underſtand the Statutes; to know the Statutes, or parts of Statutes which are in force, and which repealed, and how, and how much, and when revived; what is Recital, and what Poſitive, is a work of great induſtrie, and cannot bee acquired but by many years ſtudie; and thoſe Judges who are not ſo ſtudied, muſt needs bee blinde watchmen, the people beeeing more likely to ſuffer for the ignorance of the Judg, then their own offence.

Autoritie in Judicatories is a ſword in the hands of Judges: when it is managed by good and underſtanding Judges, according unto Rules, it maintein's Right and Freedom; It puniſheth malefactors. If the ſword bee in the hands of ignorant Judges, though well-meaning men, yet at the beſt it doe's but cut at Random; and whoſoëver com's within its reach, is in danger to bee wounded by it. Wee need go no further then our own times for an example of this. *F. B.* was Lord Keeper of the great Seal, when *J. C.* was Maſter of the Roles: The Lord Keeper was an underſtanding, but a corrupt man; the Maſter of the Roles was

an ignorant, but a well-meaning man; and yet it is obſerved, that the Maſter of the Roles did make above twentie unjuſt orders, for one that was made by the Lord Keeper. The Lord Keeper was unjuſt when hee was brib'd: Ignorance in the Maſter of the Roles was as a perpetual bribe. An ignorant Judg may poſſibly give a juſt Judgment, as a blinde man may catch a Hare; but no Judg can judg juſtly, unleſs hee do judg with knowledg, and underſtanding in thoſe Rules whereby hee is to judg.

In the Book of Statutes, called, Old *Magna Charta*, fol. 51.

The *Spencers* were charged, amongſt other Articles, for procuring the King to make Sr *Hugh Spencer* the father, Sr *Ralph de Baſſet*, Sr *Ralph Camoys*, Sr *John Inge* and others, Juſtices, who were not converſant in the Laws of the Land, and were baniſhed for it, as is expreſſed in the Act of Parlament for their Exile.

Ignorance in a Judg was heretofore eſteemed, the diſ-inheritance and deſtruction of the people. An unskilful Judg is an Idol-Shepherd, who hath eies, but ſee's not: Hee is a blinde Pilot, whoſe errors in the ſteerage, the Mariners, bee they never ſo skilful, cannot help. Fortune is pictured blinde, and was of old called the blinde Judg. *Ignorantia Judicis eſt calamitas innocentis*, the partie's ſufferings beeing from the Judge's want of knowledg, and not from their own guilt. St *Paul* anſwered cheerfully before *Agrippa*, becauſ hee knew him expert in all cuſtoms and queſtions among the Jews.

Acts of the *Apoſtles*, 26 ch. 3 Verſ.

Sr *Edward Cook* ſaie's, that the Statute of 11th *H.7.* cap.

*cap.*3. which enable's Juſtices of the Peace to determine Informations upon Penal Laws by their diſcretions, had a fair flattering preamble, pretending to avoid diverſ miſchiefs which were to the high diſpleaſure of God, the great Let of the Commonwealth, and great Let of the wealth of the Land: But was, and by the effects appeared to bee an Act made to the high diſpleaſure of God, the utter ſubverſion of the Common Law, and the great Let of the wealth of the Land, and was therefore Repealed 1 *Hen.* 8. *cap.*6.

Countie-Judicatories.

That in every Countie in England (**except** London and Middleſex) **there ſhall bee a Court of Record, called,** The Countie-Judicatorie, **which ſhall have Power to hear and determine all matters,** &c. *Vid. Sect.* 2.

That the ſaid Judicatorie ſhall Conſiſt of Five Judges, &c. *Vid. Sect.* 3.

FOur of theſe Five may bee perſons ignorant in the Laws; and it may bee preſumed they will bee ſo, ſince the Electors muſt bee Juſtices of the Peace, and the Elected muſt bee Inhabitants of the Countie: whereas there is ſcarce any one Countie (except *London* and *Middleſex*) which will affoard two perſons who are well ſtudied and underſtanding in the Laws.

Appeals.

Appeals.

Vid. Sect. 2. **And bee it further Enacted, That in all Civil and Criminal Cauſes, there may bee an Appeal from the ſaid Courts, &c.**

THe Countie-Judicatories may conſiſt of ignorant Judges; but the higheſt Court of Appeals muſt conſiſt of none but ſuch: the words are, **None to bee Pleading or Practiſing Lawyers, Judges, or other Officers in any of the ſaid Courts**; for it all one to ſay, it ſhall conſiſt of no Lawyer, as of no Pleading or Practiſing, ſince there is ſcarce any Lawyer which is not in ſom Practice, unleſs hee do want underſtanding in his Profeſſion. And the Remedie in *Paragraph.* 4th (that one of the ſaid three ſeveral Courts ſhall, by the reſt of the Judges of the ſaid ſeveral Courts, upon notice of the ſaid order, bee appointed to join with the ſaid Judges of Appeal, in hearing the ſaid Appeal; and two of the ſaid three Judges, not beeing a Judg of the Court where the ſaid Cauſ did depend, to join alſo in determining the ſame; And what the ſaid nine Judges, or any five, or more of them ſhall determine touching the ſaid Appeal, ſhall bee Final) doth help no further then in ſhew onely. For the major part of the Judges do conſiſt of ignorant perſons, and the major part is the Court: And it is ſeldom otherwiſe found, but that none are ſo averſ from beeing directed, or do ſo much follow their own wills, as ignorant perſons when they are in Autoritie.

Now

Now to take ſom inſtances out of very many, in the method as they are placed in the Bill; in which Bill, becauſ the ſame inconveniences fall under ſeveral heads, I therefore repeat the ſame Anſwers.

Regiſters.

Bee it Enacted by the Autoritie of this Parlament, that at the ſecond Seſſions of the Peace to bee holden next after the Paſſage of this Act, &c. *Vid. Numb.* 1.

REgiſters ought to bee able Clerks: The Clerks in Court are, by the Law of *England*, to bee choſen by the Judges of the Courts, who know beſt whether the perſons bee able to diſcharge the dutie of their Places: But here the Grand Jurie are to make the Choice, who do not underſtand what Clerkſhip is.

Regiſters.

And bee it enacted, that every perſon or Corporation, which hath, or ſhall have any Incumbrance upon the Lands, Tenements, or Hereditaments of any other, ſhall enter the ſame, or the effect thereof, &c. *Vid. Numb.* 4.

THe People muſt Regiſter all their deeds for the time paſt. Then many thouſands will bee made guiltie of undoing themſelvs; beeing made to diſcover

ver the flaws in the Titles to their eſtates, though occaſioned by loſs of ſom Patents or Deeds in theſe troubleſom times. Thus may the State bee intituled unto moſt of the Lands in *England*. Hence alſo will the Common-wealth ſwarm with Informers, Prowlers, and ſearchers unto other men's Titles. And it may bee obſerved, that the countenancing of Informers by ſom Statutes, was a main Cauſ of multiplying Suits; ſcarce any man will enjoy his Eſtate in quietneſs, but ſom or other will bee incited by theſe Prowlers to queſtion it: Whereas by the Common-Law it is Criminal in a Counſellor or Attourney to diſcover any flaw in his Client's Eſtate; yet here every man is himſelf made to laie open all the Flaws in his Eſtate to every Prowler. All that can bee alleged for looking back to the time paſt, is, That otherwiſe ſom Purchaſers may bee defrauded; which if well examined, will bee found to bee the Caſe of very few, but ſuch onely as ſuffer by their own negligence. But were it ſo, can it bee rationable, that ſo many thouſands as ſhall not buie or ſell Lands, muſt bee ruined, to prevent a few Purchaſers from beeing deceived?

If any do ſell the Eſtates of others, rather then the Purchaſer ſhall bee a loſer, ſuch ſales ſhall bee made good by this Regiſtrie. The Law is, *Caveat Emptor*, as the leaſt of evils concerning Buying and Selling: but by this Bill, all Landlords are ſo put into the hands of their Tenants: Perſons in poſſeſſion, into the mercie of ſuch as are in the Remainder, or Reverſion; And perſons in Remainder, or Reverſion, ſo put into the mercie of thoſe in preſent poſſeſſion, as no *Caveat* can

ſerv,

ſerv, but that they may make ſales of the Eſtates of other perſons; and ſuch ſales will bee made valid by this Bill: For the word **Incumbrances** will not onely effect this, but indeed no fraud, oppreſſion, or wrong can bee imagined, but it may bee comprehended under that general, and word of large extent, **Incumbrance**, as it is placed in this Bill.

Beſides, the people for the time paſt, and time future, muſt enter their Deeds, or the effect of them, in the Regiſtrie: Thus are all men's eſtates brought into moſt deſperate hazards. The effect of a Deed to bee made a Record, was never a Law amongſt Rationall men: The Law of *England* abhorreth it. Jurors, who muſt finde whether the effect of the Deed was Regiſtred according to this, are by the good old Law to finde the Fact upon the truth, and the whole truth: Thus the Partie who enter's the Deed, and a Regiſter, may raiſ great eſtates unto themſelvs out of the Ruines of other men's eſtates.

Theſe are great temptations unto Forgerie.

Regiſters.

Vid, Num. 13. to the end of the firſt Paragraph.

And the Paſſing of any Eſtate by a Fine, to bee Leaſed with Proclamations, or without, from the time of ſettling the Countie-Regiſter according to this Act (as to any Mannors, Lands, Tenements or Hereditaments within the ſaid Countie, is to bee no more uſed).

PArents when they marrie their children; any who purchaſe Lands, or lend money upon ſecuritie of Lands, when their Counſel ſee the Deeds whereby the Title is made good, and a Fine thereupon; by reaſon of that good and certain Record a Fine, they adviſe their Clients to proceed: yet by this Bill, that certain Record, a Fine, is taken away: And though the Purchaſer ſhould earneſtly deſire it, and of his own voluntarie minde would bee at the Charges of a Fine, yet hee cannnot have that aſſurance which his Counſel and himſelf do conceiv to bee the beſt for him. The Parlament 19th *Ed.* 1. declare's, there was no more ſolemn teſtimonie, or greater ſecuritie of any man's Eſtate, then by Fine.

Touch-

Touching the Chancerie.

Bee it enacted by the Autoritie of this Parlament, that the Court of Chancerie shall hear and Determine all Causes of Equitie, &c. *Vid. Sect.* 1.

That the shewing a Decretal, or other Order of the Court, under the Registers hand, to the Partie who is to obserb the same, and leaving a Copie thereof with him, &c. *Vid. Sect.* 32.

THe Judges of this Court are to hear and determine all Causes of equitie; and they themselvs are Judges, whether all Causes (except som few, wherein they are restreined) bee not Causes of Equitie; And whatsoëver they shall arbitrarily Order or Decree, is to bee executed as strictly as any Judgments in any Court of *Westminster*, which are given according to the Rules of Law: which was never heard of in this Nation until this Bill. Executions at Common Law never sorted or suited with any Arbitrarie Autoritie; the bodies of the Free People are to bee Attached and Imprisoned; their Lands and Goods taken from them; and why? They know not further, then becaus the Judges in their opinions think it to bee equitie, or say it is so. It is very true, that much of this Power, as to Imprisonments and Sequestrations, hath heretofore been exercised in Chancerie; but never was Act of Parlament for so doing. The Encroachments of Arbitrarie Au-

toritie in Chancerie upon the Laws, evil in themſelvs, are in this Bill to bee made good by Law.

This Court, as a Court of Equitie, is the onely Court in *Weſtminſter-Hall*, which is not tied unto Rules, and therefore of all Courts ought to bee leſſened in Power; yet it is hereby increaſed in Power. Whoſoëver will examine it, may finde, that by the Law of *England*, the *Chancerie* was heretofore, a very antient Court, but was onely a Court of Law, tied unto Rules as other Courts were: and that the Arbitrarie Proceedings by Bill and Anſwer, private examination of witneſſes, and Decrees thereupon, are meer Encroachments upon the Law: not known before the time of *Hen.* the *6.* few in the time of *Hen.* 8th; for Sir *Thomas Moor*, who was then Lord Chancellor, did Read, or hear Read every Bill before a *Sub-pœna* was granted.

37 *H.*6.141.
27 *H.*8.18.

The *Chancerie* as a Court of Equitie, is no Court of Record: it cannot binde either the eſtate of the defendants Lands, or propertie of his Goods or Chattels.

Trinity 3. *Jacobi* in the Exchequer, *Egerton* Lord Chancellor, impoſed a Fine on Sir *Thomas Themilthorp*, for not performing his Decree in *Chancerie* concerning Lands of Inheritance; The Fine was Eſtreated into the Exchequer: And upon proceſs the Partie appearing, pleaded that the Fine was impoſed by the Lord Chancellor for not performing his Decree, and that hee had no power to Aſſeſs the ſame;

ſame ; The Attorney General confeſſed the Plea to bee true, and demanded the Opinion of the Court of the Power of the Lord Chancellor in this Caſe ; And upon Debate and Adviſement taken, it was adjudged that the Lord Chancellor had no Power to Aſſeſs any ſuch Fine, and thereupon the ſaid Sir *Thomas Themilthorp* was diſcharged of the Fine.

In the Articles exhibited to *Hen.* 8th againſt Cardinal *Wolſey*, *December* 21. *H.* 8th, the 20th Article is, Alſo the ſaid Lord Cardinal hath examined divers and many matters in *Chancerie* after Judgment thereof given at the Common-Law, in ſubverſion of the Laws ; and made ſom Perſons reſtore again to the other Partie condemned, that which they had in execution by virtue of the Judgment at the Common-Law.

26th *Article.* And when matters have been neer at Judgment by proceſs of the Common-Law, the ſame Lord Cardinal hath not onely given and ſent Injunctions to the Parties, but alſo ſent for the Judges, and expreſsly by threats commanding them to defer the Judgment, to the Utter ſubverſion of the Laws, if the Judges would have ſo ceaſed.

The Complaints of the People are many and great, againſt the Delaies, Chargeableneſs and Arbitrarineſs of the Laws ; but if they were asked wherein, not one of a thouſand but would inſtance in the *Chancerie*, wherein Cauſes laſt from Generation to Generation : And the true Reaſon is, for that the

Decrees

Decrees are Arbitrarie. A Counſellor of Law will give it under his hand unto his Client, what the Law is in the Caſe which is brought before him, becauſ hee adviſeth by a Rule, and underſtand's the Rule: Hee know's by it, what the preſent and ſucceeding Judges muſt do, becauſ they can onely judg by the ſame Rules by which hee adviſeth his Client, and the Judges underſtand theſe Rules: but no Counſellor will give it under his hand unto his Client, what the *Chancerie* will do, becauſ the Court judgeth without a Rule: and though a Decree bee made in that Court, yet no Lawyer will therefore aſſure his Client of his Title by that Decree, but that the next Lord-Keeper, or Commiſsioners for the great Seal, may Decree the contrarie; and the reaſonis, becauſ their Decrees are made by no Rules.

If a Court were to bee made for the Arbitrarie humors of ſom private Perſons to bee Judges therein; this Court thus Conſtituted, might ſute with the higheſt ambition.

Chancerie.

Vld. Sect. 37. at the end.

And they ſhall in all Caſes Pronounce their Decree preſently in Court at the Hearing, ſave in Caſes of verie great difficultie, and there not to exceed ten daies, and not to have Counſel the ſecond time in the ſaid Caſe.

OF all Caſes, certainly in Caſes of very great difficultie, Counſel ought eſpecially to bee heard

heard the ſecond time or ofter, as long as the difficultie remain's. The Client's Caſe is difficult; hee himſelf cannot explain it, and his Counſel that can, muſt not; or elſ the difficulties are known onely to the Judges, which if his Counſel, who are ſtudied in the Caſe, knew what difficultie remained with the Judges, they could eaſily ſatisfie, but they muſt not bee heard.

Countie-Judicatories.

That in every Countie, there muſt bee a Court of Record to hear and determine all Civil matters, (except Real Actions, of which there is non one amongſt ten thouſand) and all Criminal matters. *Vid. Sect. 2.*

THus are even all Cauſes concerning Life, Libertie and Proprietie (which according to Rules, the free-People of *England* may challenge as their Right) to bee tried before ignorant Judges, who not knowing the Rules, cannot judg according to Right. And the appointing of one of the Judges of *Weſtminſter-hall* to bee Itinerant, and one in every of theſe Judicatories, cannot help, ſince hee is but one, and the Caſe is to bee judged by the major Part, as foreſaid.

Whoëver hath to do with any other Judicatories (except the Courts in *Weſtminſter-hall*) knoweth, that the proceedings in thoſe Judicatories are more Chargeable and more Dilatorie, and the Judgments and Orders more Arbitrarie and grievous, then in

any Courts of Law in *Weſtminſter-hall*; And yet thoſe Judicatories are but as Probationers, as ſtanding upon their good behaviour, Reaſons for moſt exact Cautiouſneſs of well demeanor; what then is to bee exſpected if they were ſetled Courts?

Countie-Judicatories.

Vid. Sect. 36. **That no Argument by Counſel ſhall bee admitted upon ſpecial Verdicts or Demurrers, touching the expoſition of any Act of Parlament.**

BY this, Counſellors in Law are not permitted to bee heard in the moſt intricate and difficult Caſes in Law. And if it were well examined it will bee found, that amongſt all the ſpecial Verdicts and Demurrers, there is not one to bee found of many thouſands which is upon a meer point of Common-Law; not one, ſcarce in many years.

From hence the Care taken by the Legiſlative Power, to make good Laws with much induſtrie, (which when they are well ſtudied, and compared one Statute with another, and all the parts of a Statute together, are excellent Rules of freedom) are by not beeing underſtood like to bee enacted into Arbitrarie Judgments, to avoid which, the Acts were made.

If ſpecial Verdicts upon Statutes bee prohibited to bee argued by Lawyers, they muſt bee prohibited to bee found by Juries, for the Jurie find's eſpecially, becauſ

becauſ not knowing the Law themſelvs, they ask the opinion of the Court ; and that the Law therein may bee well judged, Counſel learned in the Laws are heard therein. If Lawyers muſt not argue Demurrers, then Demurrers muſt bee prohibited. Who Demurrs? The Counſel learned in the Laws; becauſ they take not the Law to bee as the other hath laid in his Declaration or Plea. And if hee that demurr's may not ſhew why hee demurr's, what more ſtrange to Reaſon? and certainly no honeſt-underſtanding Judg can accept of a Patent with a limitation that ſpecial Verdicts and Demurrers upon Statutes bee not argued by Counſel before them.

Of what great Conſequence the conſtituting ſeveral Judicatories in every ſeveral Countie (and the Courts in *Weſtminſter-hall* to bee but cyphers as aforeſaid) may bee to the diſunion of the Commonwealth, is worthie of very ſerious conſideration.

And here I ſhall as briefly as a Caſe of ſuch great conſequence will permit, ſet down the true neceſſities to the good of the Common-wealth by the Law beeing in *Weſtminſter-hall*, both in the Rule and Forms of proceedings as formerly, and the deſtructive inconveniencies to the Peace and welfare of the Commonwealth, if it ſhould bee in ſeveral Counties.

The Law, when one and the ſame over all, unite's and conſolidate's the ſeveral Counties into one entire bodie Politick. It beget's in each Member a ſincere Love to all ; and in each a real deſire for the good

and welfare of the whole ; and that from Love of each to themſelvs. The ſureſt Principle in Nature is Self-love, the welfare of each depending thereupon ; what State or Perſon but lov's it ſelf better then any Neighbor ? It put's all Counties into a capacitie and abilitie to provide for the welfare of all for defending themſelvs againſt Forrein Invaſion, all beeing under one Law for the mutual good of all ; whereas, if under ſeveral Laws, there muſt bee treaties of mutual aſſiſtance, jealouſies of each other will bee unavoidable, proceedings cannot but bee dilatorie : The ſeveral Counties will ſtand upon ſeveral Intereſts ; continual differences and debates in not performance of Articles betwixt the ſeveral Counties : Wee cannot forget the truth of this in our late Treaties with the Scots : *Tacitus* ſaith of the *Britains*, *Dum Pugnant ſinguli, vincuntur univerſi* ; and that was the means which facilitated the Conqueſt.

Cornelius Tacitus, on the life of *Agricola*.

It enable's each Countie the better to preſerv the Rights and Liberties of the whole Common-wealth ; for each one will thereby have a deep ſenſ of the ſubverſion of the Law, or that falſ Conſtruction bee put upon the ſame in any place, becauſ each one is concerned in it in his own particular : For though one falſ Judgment doth at the firſt fall but upon one Perſon ; yet in the Rules and conſequence all are concerned.

The judgment concerning Ship-monie was againſt one Perſon ; yet wee know what a tender ſenſ and reſentment all *England* had of that Judgment.

When

When the Law is one and the ſame, it carrie's on Traffick, Trade and Commerce between parties: one born and inhabiting at the Mount in *Cornwall*, if hee remove his dwelling to *Berwick*, or any other part of *England*, hee know's how to buy or ſell Lands or Goods, as well as where hee was born; and how to demean himſelf, and to repair any injuries to his Perſon or Eſtate: whereas if the Laws ſhould bee different in the Counties, hee goe's out of his own Countie, as into a forreign Nation.

It prevent's Feuds, Quarrels, and Shedding of blood; which if Cantonized, would inevitably follow about extents of Limits, concerning Juriſdiction, and by uſurpation one upon another: beſides perpetual Jealouſies concerning the equalitie of Adminiſtration of Juſtice, when any thing is don in one Countie that may any way concern another Countie.

Amongſt the ſeveral Common-wealths of the Greeks, more blood was ſhed of their own, about differences amongſt themſelvs, and in a much ſhorter time, then when invaded by the mightie Armie of the *Perſians*. Under the **Saxon Heptarchie**, more blood of their own was ſhed, by reaſon of the differences among themſelvs, and in a much ſhorter time, then in their Conqueſt made of the *Britains*. And notwithſtanding all victories obteined by the *Engliſh* upon the *Welch*, the differences could not bee put to an end, until the Law of *England* and *Wales* was made one and the ſame.

The ſetting up of Countie-Judicatories will bee ſo far from producing the ends propounded, as they will certainly produce the contrarie; leſs *equalitie*, leſs *ſpeed*, and more *charge* to the people.

As to *equalitie*; Juſtice is beſt adminiſtred, when the Judges have leaſt relation to Parties and Cauſes: but if each Judicatorie ſhould bee confined to every ſeveral Countie, Kindreds, Friendſhips and Factions would pervert all Juſtice.

The *delaie* and *increaſ of charge* muſt bee much more: The very Conteſt about Juriſdiction, as in all perſonal, tranſitorie and mixt Actions, where more charge will probably bee in the way of proceeding, then is now in the whole Cauſ, concerning in which Countie the Action ſhould bee brought. Lawyers of ſeveral Counties muſt bee adviſed with; Failor of Juſtice will often follow; as in Criminal cauſes, where the Fellon get's from one Countie into another. So in caſes of Debts and Executions thereon: In one Countie the Judgment is given, Execution to bee had in another: and when the Execution is to bee, that Countie will diſallow of the Judgment given in another: Sheriffs and other Officers will not execute ſuch Judgments. The Intereſts of Rights and Privileges of each Countie, as they will term them, will protect Malefactors, and ſtop the whole courſ of Juſtice: our own experience manifeſt's this truth in the Courts of the Marches of *Wales* and the *North*.

But

But if it ſhould bee ſaid, that by this Bill the Law is to bee one and the ſame, though adminiſtred in ſeveral Counties; this will moſt certainly bee found erroneous to ſuch as ſhall think ſo, and deſtructive to the Libertie and Proprietie of their own Poſteritie, and all others.

For, though one Rule bee given to all Counties, yet when the many thouſands of Cauſes com to bee determined in fiftie ſeveral Judicatories (for there are ſo many ſeveral Counties), the Rule cannot bee continued and obſerved by all.

Take the cleereſt Rule in Divinitie or Law, and let fiftie perſons or Judicatories have power definitively to determine Cauſes depending on that Rule and let any man conſider what will follow? What various and ſeveral judgments of Divines are on the Ten Commandements?

In points of Judgments, what various reſolutions will bee? whether the Rule extend's to the Cauſ in queſtion, concerning the degrees of puniſhments, which cannot bee made certain, circumſtances altering each Caſe, and concerning the Forms and Proceedings before and after Judgment.

The ſeveral and contrarie Intereſts in the Counties, will make ſeveral and contrarie conſtructions of one Rule; continual quarrels and blood-ſhed thereon. In each Countie the Judges will expound the Rule according

cording to the ſeveral Intereſts in the Countie: ſom for whatſoëver may concern Maretime Counties; others for what it may concern Inland Counties; ſom for Champion Counties; ſom for incloſed; each for every particular commoditie of every ſeveral Countie: ſo many Judicatories ſo many ſeveral Laws. The *Saxons* at firſt, as one Nation, ſo under one Law in *England*: But when faln into *Heptarchie*, they had ſo many ſeveral Laws as ſeveral Kingdoms.

Annals Cornel. Tacit. Lib. 3. cap. 5.

The Laws of *Rome* were the twelv Tables, but when that Rule came to bee executed in ſeveral Provinces, though by Judges that were *Romans*, yet ſom became ſo different, as in every Province it became a ſeveral Law; and in a ſhort time was not the Municipal Law of any one Province.

England is under one and the ſame Law in the Courts of *Weſtminſter-hall*; but it cannot in reaſon bee imagined that the Law will continue one and the ſame, when as all Cauſes ars to bee determined by Judges, Inhabitants of the ſeveral Counties; (for all but one of thoſe Judges are to bee ſuch) It is not to bee imagined that thoſe Judges ſhould all of them give one and the ſame judgment upon the ſame Caſe, ſince they are ignorant in thoſe Rules whereby they are to judg. But their judgments muſt needs bee various even in every ſeveral Countie. There will bee as many Laws as there are ſeveral Judicatories. Whoſoëver hath his Eſtate lying in ſeveral Counties, will bee forced to ſell it, and laie it into one Countie; for if hee do not inhabite where his Land lie's, and where

where his Cauſ is to bee heard, and bee acquainted with his Judges, (beeing readie to requite as they call it, one good turn for another) and his Adverſarie is an Inhabitant there ; it is more then probable the Cauſ will go for their Countrie-men. The wiſdom of our Anceſtors was ſuch, and ſo ſenſible were they of this, that they provided by the Statute, 8. *Rich.* 2. *Cap.* 2. no man to bee a Judg of Aſſize or Gaol-deliverie in his own Countie. And the Statute 33. of *Hen.* 8. *Cap.* 34. call's this a good Act, and ſet's the penaltie of a 100l. for every offence ; ſo jealous were our Anceſtors of having Judges byaſſed in their places, as by the Statute 20. *Rich.* 2. *Cap.* 3. No Lord or other of the Countrie, little or great, was to ſit upon the Bench with the Judg of an Aſſize in their Seſſions, &c. Parlament 33. *Hen.* 6. *Numb.* 54. No Brewer to bee a Maulſter or a Cooper. 45. *E.* 3. *Number* 27. No Maior to keep a Victualling houſ during his Majoralitie, becauſ hee may favor himſelf in the Aſſizes of Bread and Beer. 15. *Rich.* 2. *Numb.* 41. No Fuller can bee a Clothier, *Numb.* 48. A Shoomaker may not bee a Tanner, 21 *Jacob. Cap.* 21. No Hoſtler may make horſ-bread. I might name many more Laws of the like nature, but theſe few may ſerv to ſhew, how Parlaments have eſpecially provided to take away the means and opportunities for any to wrong others : Yet by this Bill, a man of any Trade or Calling may bee a Judg, and in his own Countie, where hee judge's his Creditors and Debtors, and Determine's the Law between his Cuſtomers, Kindred, Strangers, Friends, and (whom hee ſhall think) his Enemies.

By the good old Law, a Judg was disabled to bee a Judg in that Countie where hee was Inhabitant; by this Bill hee is disabled from beeing a Judg in any other Countie Judicatorie, but in that where hee is Inhabitant. And hee that is a Juror must bee a Freeholder by this Bill; but the Judg may bee a Beggar, provided hee want Law.

A good Lawyer in *Cornwall*, is a good Lawyer in *Cumberland*; but then no Lawyer will know the Laws of any Countie, but that wherein hee liveth; and whosoëver hath a Cause depending in any Countie remote from his habitation, must not then advise with his Neighbor, though a very able Lawyer, but with som other of that Countie where his Cause depend's; This will bee very chargeable indeed to the People, besides the breaking of that Chain, whereby all the Parts of the Common-wealth are linked together; And the Union of this Common-wealth in one Bodie, and under one Parlament, cannot long consist without the Union of the Law under Judicatories at one place, as in *Westminster-hall.*

The chief Corner-stone for the good Government of this Nation is, that the Law bee one and the same.

All

All Cauſes now are under theſe three heads.

I. Concerning the Peace.
II. For Civil matters, between Partie and Partie.
III. And concerning the Publick Revenue.

AND for theſe, are the Courts of the Upper-Bench, Common-Pleas, and the Exchequer; where all Cauſes may bee determined originally or ſecondarily: leſſer Cauſes may bee heard in a Court-Baron, Court-Leets, Corporation-Courts, Countie-Courts, and ſuch like: But upon any miſtake of the Law, or Mal-Adminſtration, they may bee brought unto one of theſe great ſtanding Courts, as to the Standard, whereby they may bee made valid or void. And it is to bee obſerved, that although theſe Inferior Courts can proceed but in leſſer Cauſes; yet ſuch are the miſtakes in Law, and the unjuſt Adminiſtrations are ſuch, as ſcarce one Cauſ of a thouſand, if the Partie bee able to follow the ſuit, but is removed into one of the Courts in *Weſtminſter-hall.*

From theſe three Courts, the Judges twice every year, go into the ſeveral Counties, and bring execu-

tion of Juſtice to their own Doors, to prevent charge and delaie ; yet for preſervation of the Law in Unitie, when the matter of fact is tried at the ſeveral Aſſizes, the Clerk of the Aſſizes bring's up the Verdicts, without any Charge to the People , and the Iudgments are given in the ſeveral Courts where the Action began, and execution awarded to the Sheriffs of the ſeveral Counties where the Action was tried.

And the Charges at the Common-Law are not the greater for beeing thus heard , and determined in the Courts of *Weſtminſter*. For an Attorney or Solicitor will have as much of one that live's in *Weſtminſter*, as of one that live's in *Cornwal* or *Northumberland*.

The Municipal Law of the Jews, by the appointment of God, was the ſame for the 12 Tribes, which were as ſo many Counties. The *Jews* had many ſeveral Courts in each Tribe ; ſo wee in our inferior Courts. But the ſupreme Court, the *Sanedrim*, was fixed at one place, at *Hieruſalem* ; ſo ours at *Weſtminſter-hall*. Upon miſtake of their Law, or ill Adminiſtration in the inferiour Courts , their Cauſes were brought from thence to the *Sanedrims* ; ſo ours from the inferior Courts to *Weſtminſter-hall*. That as ſeveral Tribes had but one Law, it might bee thus preſerved to continue to bee one and the ſame to all.

By the Section 27, Chancerie, no Counsel is to bee heard the second time.'

By the Section 36, Coutie-Judicatories, no Counsel is to bee heard upon special Verdicts and Demurrers upon the Exposition of any Act of Parlament.

BY these very much of the Practice of Counsellor at Law is taken away: Besides, it is made Extortion in any Counsellor at Law, Clerks, or Officers, to take any more then is set down by the several Tables of Fees. And the Fees are made such, as cannot give a Competent Subsistence unto them in their Callings: Thus the Profession of Lawyers and Officers at Law is taken away. The Professor hath a proprietie in his Profession, as hee hath in his Goods; the Law making a hedg about every man's Vocation, as well as about his Person and Estate.

Whereso'ever the means for mainteining any in their Callings is taken away, or made insufficient, there is don, as much as humane power can, to take away the Calling it self, or any benefit thereby to bee had. The Counsellor at Law, who must studie many years before hee can bee fit to Advise or Plead, after those many years spent to their great charges and pains, must by this Bill have but twentie shillings for for any Argument at Law, or hearing in *Chancerie:* Whereas that very one Caus may take him up a week's time before hee can rightly understand his

Client's Cauſ, and alſo many daies attending at the Bar for hearing it. And though the Client out of conſcience to recompence his Counſellor at Law for the pains taken in the buſineſs, would give him more, yet the Counſellor at Law muſt not take it; for it is extortion ſo to do. Then the Fees (except to two or three Offices, which may therefore bee queſtioned to what Meridians they are fitted) to Clerks and Attournies are ſuch, as their ſervant's places are now much better. Thus will their Callings bee loſt; for many pettie trades will afford better maintenance; or which is worſ, thoſe perſons which will then follow thoſe Callings, will bee ſuch as are altogether unfit to diſcharge the duties of thoſe Callings.

M. 5. *E.* 4. *Rot.* 66. The Office of the King's Atturney in the King's Bench, granted to *Thomas Winter*, was judged abſolutely void, becauſ hee was unskilled in it; and there it is ſaid, that it is not poſſible for any to execute that Office, that was not verſed therein from his youth.

M. 4, 5. *Ph.* & *Ma. Dier* 150, *Numb.* 1. *Brook*, chief Juſtice of the *Common Pleas*, gave the Office of a *Prothonotarie* to *Gatacre*, his brother in Law, which was there ſaid to bee all the Law hee had: The Grant was held abſolutely void, becauſ *Gatacre* had no skill in the place.

P. 3. *Car. in Banc. Reg.* *Smith*, Biſhop of *Gloceſter*, made his ſon in Law *Sutton* his Chancellor; who, becauſ hee underſtood not the dutie of that place, it was reſolved that that Office, a place of skill, beeing granted to an ignorant perſon for life, that the Grant was void, and that *Sutton* gained no Free-hold by it.

If

If any rational man will ſeriouſly conſider it, hee ſhall finde it to bee very certainly true, that to enable men unto the right underſtanding of the Common Law, and Statute Laws, and proceedings therein, doth require a profeſſion of Lawyers, Clerks, and other Officers, and alſo many years ſtudie and practice therein.

To underſtand this Bill, will require a Lawyer of extraordinarie abilities: it will take him up much time and ſtudie; and his abilities will appear very extraordinarie, if after much pains and ſtudie hee can underſtand it.

If the means to maintein Lawyers, Counſellors, Attournies, Clerks and Officers belonging to the Law, bee too low, then the Profeſſors of that Calling will ever bee perſons of mean ſpirits and parts. A competent recompence to a Counſellor at Law, Atturnie, Clerk, or other Officer, who ſhall faithfully and judiciouſly adviſe their Client, and manage or plead his Cauſ, is as due unto him as a recompence to any for any labor, and it is as well beſtowed upon them; otherwiſe a craftie and falſ Proſecutor, meeting with an ignorant Judg (and Ignorance in a Judg is ſeldom unaccompanied with corruption) will bring them who are honeſt, and who endeavor to protect themſelvs, no farther then the juſtice of their Cauſ will defend them; and many thouſands, who cannot themſelvs ſet forth the juſtneſs of their Cauſ, to the want even of very food and Raiment.

In

In all ages wee finde, that there hath been, and there now are ſom Conſcientious Lawyers; perſons of abilities in their calling: of parts and ſpirits able to diſcharge the dutie of that Calling. Want of competent means hath not byaſſed them out of the waie: Fear of any Judg, or other whatſoëver, hath not deterred them from pleading faithfully and boldly for their Clients. Nothing more encourageth a man, then when hee knoweth what hee ſaith is right, which will protect him, or elſ ſatisfie his minde to ſuffer for the Right.

By this Act, Counſellors of Law, and Attournies, are enjoined Promiſs and Oaths, as Counſellors of Law, and Attournies: And ſuch Oaths, as perſons who are conſcientious, are like to refuſe, as ſnares at the beſt unto honeſt men: but are no obligements unto others, who ſcruple at no Oath, nor will make conſcience to keep any.

Appeals.

Appeals.

Bee it Enacted by the Autoritie of this Parlament, that all the Judges in the Courts of Chancerie, Upper Bench, **and** Common Pleas **ſhall bee Eligible at the end of every third year,** &c.

AN excellent Law, if the time were much ſhorter for perſon's exerciſing Arbitrarie Autoritie: But for the Judges of *Weſtminſter-hall*, who cannot judg, neither are to bee obeied, but according to known and certain rules, to bee choſen every third year, will bee found very prejudicial to the people. For experience and practice enable's them the better to diſcharge the dutie of their places. The longer they continue, whil'ſt they demean themſelvs as they ought to do, the more fit they are for their places. The deſires of Parlaments have been for Judges to continue in their place *Quamdiu bene ſe geſſerint:* It hath been complained againſt in Parlament, when the Patents of Judges were not ſo, and was indeed a grievance unto the people. *Paul* anſwered chearfully before *Felix*, becauſ hee had been Judg there many years: In the 24th *Chapter* of the *Acts*, and the 10th *Verſ*, the words are theſe; *Then* PAUL, *after that the Governor had beckned unto him to ſpeak, anſwered; Foraſmuch as I know that thou haſt been of many years a Judg unto this Nation, I do the more cheerfully anſwer for my ſelf*, &c.

It hath been ſaid of old, *That an unexperienced Judg and a young General, are the diſeaſes of Peace and War.*

Appeals.

Vid. Paragraph 3.

BY this, every ſeveral Cauſ is to have a ſeveral Judicatorie: Two Cauſes of the ſame nature may bee tried at one time, and various; or one Judgment contrarie to one another, bee given in the higheſt Court, the Court of Appeals: For they cannot follow Rules, who know not thoſe Rules: For none of thoſe Judges are to bee Pleading or Practiſing Lawyers, Judges, or Officers of any Court as aforeſaid in *Paragraph.* 2. And thus all Cauſes in Law may bee heard before the Judges of Appeals onely; for what they will ſay are unjuſt Proceedings before Judgments or Decrees, muſt bee ſo: And thoſe ignorant Judges are appointed to do impoſſibilities; for they are to proceed according to the Courſ of that Court where the cauſes firſt depended, who are made uncapable of knowing the Courſ of any Court; for none of them are to bee Pleading or Practiſing Lawyers, Judges, or Officers in any Court as aforeſaid in *Paragraph.* 2.

Appeals,

Appeals.

That after Judgment in any Criminal or Civil Cauſes, upon any Injuſtice in Judgment or Proceedings, there may bee an Appeal from the Courts of the Countie-Judicatorie, to the Courts of Record in London, &c. *Vid.* Paragraph 9.

HEre lieth Appeal upon Appeal, to the great *charge*, *delaie* and *grievance* unto the People, in a new and an unheard of waie: The Appeals upon point of Law is to bee from perſons underſtanding in the Laws, to perſons ignorant in the Laws.

Here the laſt Appeal for Law, which certainly ought to bee unto them, who are moſt underſtanding in the Law, is hereby to bee unto perſons who are moſt ignorant in the Laws; *viz.* unto Twentie, of which none to bee Practiſing or Pleading Lawyers, Judges, or Officers of any Court as aforeſaid.

The Life of Man is pretious in the ſight of God, and ought to bee ſo amongſt Men; And a Trial before Judges who are underſtanding in thoſe Rules whereupon Life is in queſtion (and before ſuch Judges onely) is the juſt Right of every one. But here a Trial is to bee firſt before ſuch Judges as know not thoſe Rules, and in the Countie-Judicatorie; and an Appeal afterwards unto the Courts of *Weſtminſter-Hall*, is no recompence for ſuch a loſs of Freedom

as the People now have : But the higheſt Malefactor even the Murder may, and without doubt will make Appeal upon Appeal to the delaie of Juſtice.

By this Bill, the Pleadings in Law which are by long experience reduced into certaintie both for Plaintiff and Defendant, are taken away ; and new Preſidents of Declarations are made, which if ever, muſt take up a long time before the y can bee reduced into Certaintie, to the great Charge of the People, and to their delaie in their Cauſes.

By this Bill, the Countie Judicatories of Law, may and are moſt like to conſiſt of Judges who are ignorant in the Law, and the Judges in *Weſtminſter-hall*, are made but cyphers : For here is an Appeal from them unto the Twentie, who can bee no other then Perſons ignorant in the Laws. The Callings of Lawyers, Attorneys, Clerks, and other Officers of the Law, are hereby deſtroied, ſince they cannot have a competent maintenance ; Ignoraut Judges cannot bee rectified by underſtanding Lawyers. Judges, Counſellors in Law, Clerks, Auditors, all will bee ignorant : and thus in a few years ſcarce any will bee left who underſtand the Laws, the knowledg of the Laws will bee loſt in the Nation ; and though perhaps it may bee ſaid, that theſe miſchiefs would ſoon bee ſo great and apparent, as that they would cauſ a ſpeedie return unto the good old waie ; yet it is worthie of conſideration, that if it bee ſo, yet the return may onely look forward.

The

The practice of the Civil Law is hereby wholy taken away. Our neighbor Nations have ſeldom any but of that Profeſſion in their Embaſſies and Treaties and have received great benefit thereby: and why ſhould wee bee defective in Perſons qualified for great and neceſſarie imployments.

The Liberties and Privileges of all Corporations for the Peace of thoſe multitudinous bodies, are hereby taken away; and the very Orders for Regulating Trade, and the well managing thereof within the Nation, are at the leaſt very much ſhaken; Merchants and marchandize from abroad will fail; and in the want of Merchants, who ſhall Trade and Traffick into Forrein Parts? our ſtrength and defence at Sea will bee loſt, whatſoëver upon ſuddain fancies may bee conceived to the contrarie.

The Union of the Common-wealth under one and the ſame Law is broken into many Pieces: Foundations laid for Cantons and Provinces, and many ſeveral Laws, by which the Common-wealth would groan under Factions and Civil wars, to the utter extirpating of the Engliſh out of this Nation.

London and *Middleſex*, the Center for correſpondencie and Commerce of the whole Nation, are hereby not onely made poor, but alſo the general place for repairing of Wrongs, ending of Differences, making of bargains and purchaſes, lending and

and borrowing Monies; by all which, the Commonwealth is kept in Motion, to the benefit and subsistence of the parts, for the maintaining of the whole in Union, will by this Bill bee no more used for those purposes: The Fairs and Markets will fail; they are to *London*, as the several parts of the bodie serv the Stomack.

By very many other particulars in this Bill in the heads of Registers, Will and Administrations, Countie-Judicatories, touching Criminal Causes and Appeals, many waies will bee used by craftie and falſ Persons to contrive wrongs, to encourage briberie and corrupting of Judges, to ruine Orphans and Widdows.

Countie Judicatories *Sect.* 46.

The Debtor is made a slave to the Creditor; If hee lie in Execution for a Debt a month, the Creditor may make him wear a *Yellow Bonnet* on his head, to bee a scorn; and if at any time, whil'st hee is in Execution hee bee seen (unless by the consent of the Creditor) without that most visible mark of derision, hee shall have a Collar of Iron rivited about his Neck, in such sort as may bee visible, and not to bee taken off during his imprisonment. The now Law put's Fetters of Iron onely, on the feet of the greatest Felons; but this Bill put's Collars of Iron rivited on the very Necks of such as are onely poor persons in Debt, and this Collar must bee worn night and daie; *A Law till now, unheard of amongst Christians.*

Rules and Laws are the onely Differences between

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a free People and Slaves. No people can bee a free people, where Autoritie in Judicatories is Arbitrarie; But ſuch onely are free, vvhere the Rules and Lavvs ſet down by the Legiſlative Power, are above the Autoritie of the Judicatories, and where thoſe Rules and Laws beeing known, and rightly underſtood by the Judges, are obeyed and executed: where every one that doth not tranſgreſs thoſe Rules, may as their right claim them, and bee protected in their Liberties and Proprieties by them, and not to depend upon the mutable Will or Reaſon of any one.

Rules are known; but it is impoſſible for any to know what the Judg will think to bee Reaſon: Man's Reaſon may bee notable upon every temptation; and oftentimes follow's the temper of his bodie; as his health or ſickneſs, pleaſing or froward humor is, ſo is his Reaſon various and uncertain.

A good man dare's not for Conſcience-ſake undertake the Place of a Judg, unleſs hee know himſelf qualified for that Office; hee will underſtand the Rules by which hee is to Judg, both to guid him, and to juſtifie him; hee will perform his dutie with Courage and Confidence; the Rules will bear him out.

The Judg that is left to his Reaſon, is more like to ſtudie what is called Reaſon in the will of thoſe who are in Power, and to follow that, rather then

to

to conſider what is Reaſon in the Cauſ before him.

Whoſoëver endeavoreth to have Judges in the Judicatories ignorant in the Rules, may as infallibly bee known to endeavor to introduce Arbitrarie Autoritie, as a Tree may bee known what Tree it is, by the fruit it bear's.

It is true, that many Encroachments are in the proceedings in the Law, moſt eſpecially in the Chancerie, crept in by ignorant or corrupt Judges, and by Clerks and Officers for Adminiſtration, under-Sheriffs and other Officers for Execution : It would bee a moſt excellent work to reform them; And the bodie of the Laws of *England* (when cleered from thoſe encroachments) will bee found by every one (who will compare the Municipal Law of any other Nation, with the Law of *England*) to bee the beſt of any Nation, for the freedom of the People in their Liberties and Proprieties.

It maie in Reaſon bee exſpected from everie publick Spirit, not onely to tell what is evil in this Bill, but to endeavor in his place and calling, that what is amiſs concerning the Laws maie bee Reformed.

It is therefore humbly offered, That no Laws, evil in themſelvs, bee introduced: for ſuch are not capable of anie amendment.

To make ſom Inſtances.

As the Regiſtring of Incumbrances for the time paſt.

Placing the Judicatories in ſeveral Counties.

Rendring the Judicatories in *Weſtminſter-Hall* ineffectual.

To have any Appeal in Point of Law into any Judicatorie above the Judicatories conſiſting of learned Judges in the Laws.

Secondly, To reduce the Arbitrarie proceedings in Chancerie, to as certain Rules as may bee.

To Order the Judges and other learned Lawyers, to offer what Laws or proceedings in Laws are prejudicial to the Liberties of the People, that they may bee repealed.

To offer Laws for the further Libertie of the People, and herein they cannot bee preſumed to conſider themſelvs; for whether they Judg betwixt Partie and Partie by the Common-Law or by a former or later Statute-Law, all is one to their Autoritie or Profit.

To order the Prothonotaries and other Clerks reſpectively as they are unintereſted in the matters referr'd to them, to certifie the encroachments in the proceedings in the Law, which cauſ delaie and unneceſſarie charge to the People, brought in by anie Judg or others.

To certifie where any Proceedings in Law may bee amended, to the avoiding *delaie* and *charge* to the People.

To reform the great abuſes in the executionarie part by Sheriffs, Bailiffs, and other Officers: In which Executions (when well examined) will bee found very manie of the vexations of the People.

Regiſter 131. A. By the now-Laws it is required, that full and ſpeedie Juſtice bee don to all parties.

Fitzherb. Na. Br. 23. C. All Writs of *Præcipe quòd reddat*, are *quòd uſtè & ſine dilatione reddat*, That hee juſtly and without delaie reſtore. All Judicial Writs are, *ſine dilatione*, without delaie.

2. *E.* 3. *cap.* 8. 14. *E.* 3. *cap.* 14. 18. *E.* 3. *Stat.* 3. It ſhall not bee commanded neither by the great Seal, nor by Letters, nor any other cauſ to delaie Right, and albeit ſuch commandement com, &c. that by them the Juſtices ſurceaſ not to do Right in no manner.

2. *Ri.* 2. *Rot. Parl. Num.* It is Enacted that no Juſtice ſhall ſtaie Juſtice, for any Writ, Letter of the great Seal, or other Commandment whatſoëver, againſt the Laws and Statutes.

That it is evident the Law deteſteth delaie of Juſtice.

The encroachments upon the proceedings in the Law, are the cauſes of delaie in Juſtice.

If out of knowing Counſellors in Law, Conſcientious, able Judges were choſen: and able and honeſt Clerks and Officers were ſet in office, though the Autoritie of the Law might for a time bee over-born by Arbitrarie Power, yet it would break forth again in ſplendor.

The Examples have been many, that ſuch as have endeavored to deſtroie the Law, have been ruined by the Law.

In

In the first of *Machabees*, *Chap.* 3. *Vers* 29. which I mention no otherwise then as Historical, it is thus set down of *Antiochus*. *Nevertheless, when hee saw that the money of his Treasuries failed, and that the Tributes in the Countrie were small, becaus of the dissention and Plague which hee had brought upon the Land, in taking away the Laws which had been of old time*, &c.

Rules : The Laws are the *Land-marks* of this Nation, they are the onely marks of Freedom to the People, in their Lands and Estates, and also in their Lives and Liberties of their Persons.

DEUT. 27. *Chap.* 17. *Vers.*

Cursed is hee that removeth his Neighbors Land-mark, *and let all the People say*, Amen.

FINIS.